

In re patent Number: 7,225,129  
Issued: MAY 29, 2007  
Title: VISUAL DISPLAY METHODS FOR USE IN COMPUTER-ANIMATED  
SPEECH PRODUCTION MODELS  
Inventor: DOMIMIN W. MASSARO; MICHAEL M. COHEN  
Examiner: DAVID D. KNEPPER  
Docket No.: UC00-275-2

**Attn: Certificate of Correction Branch  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313**

**REQUEST FOR CERTIFICATE OF CORRECTION OF PATENT  
FOR PTO MISTAKE (37 C.F.R. §1.322(a))**

Dear Sir:

Review of the above-identified patent has revealed errors of a typographical nature or character, due to the mistake of the Patent and Trademark Office. Correction thereof does not involve such changes in the patent as would constitute new matter or would require re-examination. A certificate of correction is requested.

1. The errors are as follows:

(a) JONAS BESKOW was erroneously included in the list of inventors. A Request to Correct Inventorship deleting Jonas Beskow was filed on March 26, 2007, and a Replacement Filing Receipt listing the correct inventors ("Exhibit A") was mailed on April 2, 2007.

(b) The correct title of the application is VISUAL DISPLAY METHODS FOR USE IN COMPUTER-ANIMATED SPEECH PRODUCTION MODELS. The USPTO has omitted the word "use". The title appears correctly on the first page of the original application ("Exhibit B") and the first page of the transmittal ("Exhibit C"), and a Request to Correct Filing Receipt ("Exhibit D") was filed on May 10, 2002.

No Corrected Filing Receipt was issued in response to the May 10, 2002, request, but it appears that the title was changed but continued to omit the word "use". Finally, the Examiner mentioned the incoherency of the title in the Office Action mailed April 21, 2006 ("Exhibit E"), and the Request to Correct Filing Receipt, along with the complete correct title, was specifically called to the attention of the Examiner in the Amendment filed in October 23, 2006 ("Exhibit F").

2. Form PTO/SB/44 (also Form PTO-1050) is included herewith.
3. Because this request is the result of USPTO error, no fee is required for this submission.

4. Please send the Certificate to:

John P. O'Banion, Reg. No. 33,201  
O'BANION & RITCHEY LLP  
400 Capitol Mall, Suite 1550  
Sacramento, CA 95814

Dated: February 15, 2008.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'John P. O'Banion', with a stylized flourish at the end.

John P. O'Banion, Reg. No. 33,201  
M. Robyn Carrillo, Reg. No. 47,474  
O'BANION & RITCHEY LLP  
400 Capitol Mall, Suite 1550  
Sacramento, CA 95814  
(916) 498-1010



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: U.S. COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO.	TOT CLAIMS	IND CLAIMS
09/960,248	09/20/2001	2626	939	UC00-275-2	62	6

CONFIRMATION NO. 4329

## REPLACEMENT FILING RECEIPT

8156

JOHN P. O'BANION  
O'BANION & RITCHEY LLP  
400 CAPITOL MALL SUITE 1550  
SACRAMENTO, CA 95814

Date Mailed: 04/02/2007

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

## Applicant(s)

Dominic W. Massaro, Santa Cruz, CA;  
Michael M. Cohen, Santa Cruz, CA;

## Assignment For Published Patent Application

THE REGENTS OF THE UNIVERSITY OF CALIFORNIA

## Power of Attorney:

John O'Banion--33201

## Domestic Priority data as claimed by applicant

This appln claims benefit of 60/235,410 09/21/2000

## Foreign Applications

If Required, Foreign Filing License Granted: 10/22/2001

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is  
**US09/960,248**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

\*\* SMALL ENTITY \*\*

EXHIBIT A

## Title

### VISUAL DISPLAY METHODS FOR IN COMPUTER-ANIMATED SPEECH PRODUCTION MODELS

## Preliminary Class

704

## PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

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## LICENSE FOR FOREIGN FILING UNDER

### Title 35, United States Code, Section 184

### Title 37, Code of Federal Regulations, 5.11 & 5.15

## GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date

thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

#### **NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

TITLE OF THE INVENTION

**VISUAL DISPLAY METHODS FOR USE IN COMPUTER-ANIMATED SPEECH  
PRODUCTION MODELS**

5

CROSS-REFERENCE TO RELATED APPLICATIONS

This application claims priority from U.S. provisional application serial number 60/255,410 filed on September 21, 2000 which is incorporated herein by reference.

STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH  
OR DEVELOPMENT

This invention was made with Government support under Grant No. DC00236, awarded by the National Institutes of Health, and Grant No. 9726363, awarded by the National Science Foundation. The Government has certain rights in this invention.

REFERENCE TO A COMPUTER PROGRAM APPENDIX

Not Applicable

NOTICE OF MATERIAL SUBJECT TO COPYRIGHT PROTECTION

20 A portion of the material in this patent document is subject to copyright protection under the copyright laws of the United States and of other countries. The owner of the copyright rights has no objection to the facsimile reproduction by anyone of the patent document or the patent disclosure, as it appears in the United States Patent and

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

### Box Patent Application

### Assistant Commissioner for Patents

Washington, D.C. 20231

## NEW APPLICATION TRANSMITTAL

Transmitted herewith for filing is the patent application of Inventor(s):

DOMINIC W. MASSARO; JONAS BESKOW; MICHAEL M. COHEN; RONALD A. COLE

For (title):

# VISUAL DISPLAY METHODS FOR USE IN COMPUTER-ANIMATED SPEECH PRODUCTION MODELS

### 1. Type of Application

This new application is for a(n):

- |                                     |                                    |
|-------------------------------------|------------------------------------|
| <input checked="" type="checkbox"/> | Original (nonprovisional)          |
| <input type="checkbox"/>            | Design                             |
| <input type="checkbox"/>            | Plant                              |
| <input type="checkbox"/>            | Divisional                         |
| <input type="checkbox"/>            | Continuation                       |
| <input type="checkbox"/>            | Continuation of PCT designating US |
| <input type="checkbox"/>            | Continuation-in-part (CIP)         |

**CERTIFICATION UNDER 37 CFR 1.10**

I hereby certify that this New Application Transmittal and the documents referred to as enclosed therein are being deposited with the United States Postal Service on this date September 20, 2001 in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number EL645677053US addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231.

John P. O'Banion

(Type or print name of person mailing paper)

(Signature of person mailing paper)

NOTE: Each paper or fee referred to as enclosed herein has the number of the "Express Mail" label placed thereon prior to mailing. 37 CFR 1.10(b).



Receipt #7  
PATENT  
67402

Applicant: DOMINIC W. MASSARO; MICHAEL M. COHEN; JONAS BESKOW  
Serial No.: 09/960,248  
Filed: SEPTEMBER 20, 2001  
Title: VISUAL DISPLAY METHODS FOR USE IN COMPUTER-ANIMATED  
SPEECH PRODUCTION MODELS  
Group: 2644  
Examiner:  
Docket No.: UC00-275-2

**Assistant Commissioner for Patents**  
**Washington, D.C. 20231**

**RECEIVED**

**MAY 30 2002**

**REQUEST FOR CORRECTED FILING RECEIPT**

**Technology Center 2600**

Dear Sir:

The Applicant respectfully requests a corrected Filing Receipt. The present Updated Filing Receipt (a copy of which is attached as Exhibit A) has the title of the invention in this application incorrect as "VISUAL DISPLAY METHODS FOR IN COMPUTER-ANIMATED SPEECH." As shown on Page 1 of the New Application Transmittal (Exhibit B), on Page 1 of the Combined Declaration and Power of Attorney (Exhibit C), and on Page 1 of the First Preliminary Amendment (Exhibit D) the correct title of the invention in this application is "VISUAL DISPLAY METHODS FOR USE IN COMPUTER-ANIMATED SPEECH PRODUCTION MODELS." Applicant respectfully requests that a corrected Filing Receipt be issued to reflect the correct title of the invention as "VISUAL DISPLAY METHODS FOR USE IN COMPUTER-ANIMATED SPEECH PRODUCTION MODELS." Since the correction is not due to an error by the Applicant, no fee is due.

Page 1

EXHIBIT D



Dated: May 10, 2002.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'John P. O'Banion', written over the printed name and address.

John P. O'Banion, Reg. No. 33,201  
O'BANION & RITCHEY LLP  
400 Capitol Mall, Suite 1550  
Sacramento, CA 95814  
(916) 498-1010

1. Applicant's correspondence filed on 27 Feb 2002 has been received and considered. Claims 1-70 are pending.
2. Applicant's IDS filed 27 Feb 2002 was considered. The French thesis was not translated for thorough translation because the applicant's statement indicates that it is limited to face and tongue. Nothing in this statement indicates particular relevance to applicant's invention.

### **Title**

3. The title is objected to because it lacks technical accuracy and the use of consecutive prepositions "for in" is confusing. The background material indicates that the inventors recognize previous animated speech models are known but the title does not present material that the applicant discloses as the inventors', which, according to the disclosure, would be limited to the addition of breath images over previous computer animation displays. To the contrary, the title seems to better represent material recognized in the background as the work of others.

### **Priority Claims**

4. The applicant(s) should check their filing receipts and/or the Patent Application Information Retrieval (PAIR) system for the acknowledgment of their **domestic** priority or benefit claims (if any) under 35 USC 119(e), 120 or 121 (37 CFR 1.78).
5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

RECEIVED  
CENTRAL FAX CENTER

OCT 23 2006

Appl. No.: 09/960,248  
Amdt. Dated: 10/23/2006  
Off. Act. Dated: 04/21/2006**REMARKS/ARGUMENTS**

Reconsideration of this application is respectfully requested in view of the foregoing amendments and discussion presented herein.

1. Preliminary Amendment dated February 25, 2002.

The Examiner's kind attention is directed to the Preliminary Amendment filed February 27, 2002, in which Claims 9-15 and 19 were cancelled.

2. Title.

The Examiner's kind attention is directed to the Request to Correct Filing Receipt filed May 10, 2002, in which the correct title of the application, "VISUAL DISPLAY METHODS FOR USE IN COMPUTER-ANIMATED SPEECH PRODUCTION MODELS," is noted. The USPTO erroneously omitted the term "USE" in its records.

3. Allowable Subject Matter.

The Applicant notes with thanks the indicated allowability of Claims 5-8, 16-18, 20-26, and 32-34. It was indicated that these claims would be allowable if put in independent form, including all limitations of the base claims and any intervening claims.

Claims 5, 16, and 32 each depend only from Claim 1. Each of these claims is now presented in independent form, containing the limitations of Claim 1. All other claims depend, either directly or indirectly, from Claims 5, 16, and 32.

4. Specification.

An amendment is made to the Specification to correct a typographical error. No new matter is added.

5. Amendments Made Without Prejudice or Estoppel.

Notwithstanding the amendments made and accompanying traversing remarks provided above, Applicants have made these amendments in order to expedite allowance of the currently pending subject matter. However, Applicants do not acquiesce in the original ground for rejection with respect to the original form of these claims. These amendments have been made without any prejudice, waiver, or

# UNITED STATES PATENT AND TRADEMARK OFFICE

## CERTIFICATE OF CORRECTION

PATENT NO. : 7,225,129 B2

Page 1 of 1

APPLICATION NO. : 09/960,248

ISSUE DATE : May 29, 2007

INVENTOR(S) : Dominic W. Massaro; Michael M. Cohen

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page, the Title should read: **VISUAL DISPLAY METHODS FOR --USE-- IN COMPUTER-ANIMATED SPEECH PRODUCTION MODELS.**

In the list of inventors, please omit JONAS BESKOW, Stockholm (SE).

MAILING ADDRESS OF SENDER (Please do not use customer number below):

John P. O'Banion  
O'Banion & Ritchey LLP  
400 Capitol Mall, Suite 1550  
Sacramento, CA 95814

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing the burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**